

NAVSUBSCOLINST 12711.1A
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NAVSUBSCOL INSTRUCTION 12711.1A

Subj: JOB ACTION CONTINGENCY PLANNING

Ref: (a) SECNAVINST 12711.1A
(b) 5 U.S.C. 7311
(c) HROGROINST 12711.1B

Encl: (1) Membership on Joint Local Operations Group (J-LOG)
(2) Essential Services
(3) Job Action Procedures

1. Purpose. To establish planning requirements for dealing with job actions by employees and employee organizations at Naval Submarine School as required by reference (a).

2. Cancellation. NAVSUBSCOLINST 12711.1. This instruction has been revised extensively and should be read in its entirety.

3. Discussion

a. The intent of contingency planning is to minimize disruption of productive effort and interference with orderly conduct of the nation's business. This is to be accomplished by pursuing termination of the job action immediately, and calling upon other resources to maintain operations while employees are withholding their services.

b. In the event of a local job action/impending job action, the command will coordinate closely with the local Human Resource Office. Consequently, management should make themselves familiar with reference (c).

4. Definitions

a. Activity. A field installation, headquarters command, or office.

b. Central Action Group (CAG). This ad hoc group, chaired by the Director, Office of Civilian Personnel Management (OCPM), will serve as the central point for policy guidance and coordination within the Department of the Navy in the event a job action occurs. Members of the CAG will include designees of the Chief of Naval Operations; Commandant of the Marine Corps; Chief of Naval Research; Assistant for Administration, Office of the Under Secretary of the Navy; affected Echelon 2 and 3 command headquarters; Program Manager, Labor and Employee Relations, OCPM; and others appointed by the Director, OCPM.

c. Job Action. As used in this instruction, the term refers to any concerted effort of employees to engage in a strike, work stoppage, slowdown, sick-out, illegal picketing, or other unauthorized concerted activity which interferes with mission accomplishment. Such action may or may not involve the participation of a union or other organized group.

d. Joint Local Operations Group (J-LOG). This ad hoc group will serve as the local point for action, coordination, and guidance at the activity for any job action which occurs. Composition of the J-LOG is defined in enclosure (1).

e. Management Personnel. This term includes all military and civilian supervisory and management personnel.

5. Provisions of Law. Reference (a) prohibits a federal employee from participating in a strike against the Federal Government. Reference (b) provides that it is an unfair labor practice for a labor organization to call or participate in a strike, work stoppage, slowdown, or picketing of an agency in a labor management dispute, if such picketing interferes with an agency's operations. It is also an unfair labor practice for a labor organization to condone such activity by failing to take action to prevent or stop it.

6. Responsibilities

a. Commanding Officer, Naval Submarine School is responsible for:

(1) Rapid and timely communications and constant coordination with the chain of command, the CAG and the Human Resource Director, Northeast Region, Philadelphia and Director, Human Resource Office, Groton in the event a job action occurs or appears imminent.

(2) Convening the J-LOG when such action occurs or appears imminent.

(3) Completing within 10 days of the start of a job action, an investigation into the circumstances surrounding the job action and documenting results of the investigation.

(4) Making decisions, in coordination with CAG, concerning maintenance of operations during a job action.

(5) Coordination with CAG before making any commitments to a union in order to end a job action.

(6) Annually reviewing this plan and providing recommendations for revisions to Director Human Relations Office, Box 20.

b. Commanding Officer, Naval Submarine Base New London has primary responsibility for maintenance of security in event of a job action. Tenant commands will be expected to provide additional security teams as noted in Chapter X, SUBASENLONINST 5530.2.

c. The Administrative Officer, Naval Submarine School will:

(1) Maintain a current list of home addresses and telephone numbers of all Naval Submarine School civilian employees in the event that it becomes necessary to contact employees at home. At least annually, a verification will be made to ensure accuracy.

(2) Maintain a current list of home telephone numbers for management personnel. This shall be kept current and verified at least annually.

d. The Public Affairs Officer, Naval Submarine School will maintain a current list of names, addressees and telephone numbers of local media and provide a copy of this list to the Executive Officer annually.

e. Supervisors will maintain an up-to-date listing of addressees and telephone numbers of their employees and notify the Admin Officer of any changes.

6. Action

a. All Supervisors of Civilian Personnel will be familiar with this instruction.

b. All personnel will follow procedures outlined in this instruction in the event of a job action or potential job action.

c. The NAVSUBSCOL Command Duty Officer will be properly advised of the provisions of this instruction and procedures to be followed when a job action occurs or is imminent, as outlined in enclosures (2) and (3).

JOHN C. BRANDES

Distribution:

Case C

DIR, HRO Groton

OCPM NER Representative

NAVSUBSCOL Security Officer

NAVSUBSCOL Public Affairs Officer

MEMBERSHIP ON JOINT LOCAL
OPERATIONS GROUP (J-LOG)

Chairman: Commanding Officer

Member: Command Security Officer

Member: Command Public Affairs Officer

Member: Director, Human Resources Office

Member: Labor Advisor, Office of Civilian Personnel
Management/Eastern Region (obtain number via HRO
Groton, Labor Relations)

Member: Head(s) of Affected Department(s)

Member: Other Management Officials as determined by nature
of the job action

ESSENTIAL SERVICES

<u>Priority</u>	<u>Activity</u>	<u>Essential Function</u>	<u>Emergency Source of Qualified Personnel</u>
1	Admin	Routing of Mail	Military Personnel and Supervisors
2	WPC	Typing Correspondence & Curriculum	Military Personnel and Supervisors
3	Mail Room	Mail Delivery	Military Personnel and Supervisors
4	Supply	Supply	Military Personnel and Supervisors
5	Comptroller	Budget Analyst	Military Personnel
6	Classified Material Control	Classified Routing	Military Personnel and Supervisors
7	ADP	VTS Input	Military Personnel and Supervisors
8	Legal	Admin Board Courts Martial	Military Personnel and Supervisors
9	Personnel	Personnel Processing	Military Personnel and Supervisors

Enclosure (2)

JOB ACTION PROCEDURES

1. General. The ability to deal successfully with any emergency depends in large measure on pre-emergency planning, including consideration of the potential problems and various options for dealing with them. It is, of course, impossible to plan for every kind of a job action because the circumstances will vary depending on the type of action and the activity affected. However, several things can and should be done now by all activities.

a. Each supervisor should prepare and maintain a current list of employees in his or her unit together with their home addresses and telephone number. Rapid communication with employees will be necessary whenever a job action occurs, and delay will be avoided if addresses and telephone numbers are readily available.

b. Heads of activities should review assigned functions to determine:

(1) Those which could be suspended for more than 30 days without serious adverse impact on mission accomplishment:

(2) Those which could be suspended for a short period (up to 30 days) without serious adverse impact; and

(3) Those essential functions which could not be suspended under any circumstances, e.g., utilities support, fire and police protection, food service, military and civilian personnel and pay support.

c. Once the functions have been categorized, a determination should be made on how to staff mission-essential functions immediately and preparations to initiate and resume suspended functions. Staffing considerations could include such alternatives as (1) utilizing managerial and supervisory civilian employees and military personnel, (2) authorizing overtime, (3) "borrowing" civilian and military personnel from other Navy or Department of Defense (DOD) activities, (4) requesting temporary assumption of work by other NAVY or DOD activities and/or other Federal agencies, (5) hiring temporaries, (6) contracting out, (7) obtaining support through cooperative agreements with local activities (for fire and police support, for example), (8) using reservists. These alternatives are not prioritized in any order of desirability and their use is subject to applicable higher authority regulations.

Enclosure (3)

2. When a Job Action Appears Imminent. Supervisors and managerial personnel are in the best position to hear statements and observe actions by employees and/or employee organizations that indicate a job action may be imminent. Information suggesting the possibility of a job action should be reported up through and assessed by various levels in the supervisory chain. As soon as the management assessment indicates that there may be some validity to the information:

a. Notify the Director, HRO Groton or Head, Labor Relations Department (Code 00L) (see attachment (1)).

b. Convene the J-Log.

c. Notify CNET, CAG, and OCPM ER.

d. Advise the employee organization and/or employees, as appropriate, of those actions which are prohibited by law and those which constitute an unfair labor practice. This step should be taken only after on-site consultation with and assistance from HRO Groton on-site personnel. Contact with union officials should be face-to-face, in a meeting situation. Contact with employees should also be face-to-face, if at all possible.

e. Contact supervisory personnel and remind them of their responsibilities if a job action occurs.

f. Instruct supervisory and managerial personnel to observe and document illegal or unauthorized activities by employees and/or employee organizations. Absolute care should be taken not to aggravate the situation when taking any of the actions listed above. The objective in this phase is to defuse the situation and effect a return to normalcy. Inflammatory actions or language by managerial and supervisory personnel, military and civilian, must be avoided.

3. When a Job Action Occurs

a. The Commanding Officer will:

(1) Notify the Director, HRO Groton or assigned HRO Labor Advisor.

(2) Convene the J-Log.

(3) Notify CNET, CAG, and OCPM NER.

(4) With the advice and assistance and in the presence of the HRO Labor Relations Advisor, arrange a meeting with the highest ranking union official available to:

(a) Advise him or her that the action is prohibited by law.

(b) Advise him or her that the participating employees are in violation of the law and subject to penalties.

(c) Request the union official to take action to disavow the job action and urge the employees to return to work. The union official will be requested to report back personally within 24 hours to the activity head concerning the actions the union has taken or is taking to disavow and end the action. If no report is received and no action is taken, the activity head will again meet with and advise the union official that support of the job action or failure to end it, makes the union subject to unfair labor practice complaints and court sanctions. All meetings with union officials will be documented by a memorandum for the record.

(5) Advise all employees that operations are continuing, that participating employees' actions are illegal, what the activity's position is, and what actions the activity is taking. The means of communicating with employees will be determined at the time depending on the activity affected, action underway, employees involved, and position taken by the union. Attachment (2) to enclosure (3) provides recommended communication.

b. Supervisors will:

(1) If employees are engaged in a work stoppage, tell the employees that

(a) a work stoppage is prohibited by law,

(b) they have subjected themselves to penalties,

(c) they have placed themselves in an unauthorized, non-pay status, and

(d) they must return to work immediately and resume their duties.

(2) Keep a record of the date and time the employees are told to return to work and exactly what was said by the supervisor. If the employees do not return to work their time cards should be annotated to show the time the work stoppage began, and the time that employees were advised that they had

placed themselves in an unauthorized absence and non-pay status and were told to leave the premises should be documented. If only certain employees have stopped work and they are encouraging others to join them, the "striking" employees should be directed to leave. Action to remove employees from the premises will not be initiated by individual supervisors without the concurrence of the affected activity head. Such action, will be taken by the activity head only after consultation with the J-LOG.

(3) If the job action starts by employees not showing up for work, or effective communication could not be established before employees left the job site, the following information will be communicated to employees as soon as possible.

(a) Their action is considered a strike against the Federal Government.

(b) By striking, the employees are in violation of the law, subjected themselves to penalties, and have placed themselves in an authorized absence and non-pay status.

(c) The activity is open and operations are continuing.

(d) Direct the employees to return to work immediately.

Additionally, HRO Groton shall draft a letter setting forth the above information and send it the next day to the employee's address of record.

(3) If the job action takes the form of a sick-out, with many employees calling in sick, action will be taken as follows:

(a) All calls will be handled by supervisory personnel only.

(b) Employees calling in sick will be told that their absence is unauthorized because a job action is in progress, and they will be directed to report to work.

(c) Employees will be further notified that refusal to report will be documented and disciplinary action may be taken.

(d) If an employee reports for work as directed, but still insists that he or she is too ill to work, contact the HRO Labor Relations Department (Code 00L) for specific instructions.

(e) If the sick leave request is repeated the next day, the employee will be advised that he/she will be required to furnish a doctor's certificate upon returning to work, and that he/she is required to report his/her status daily.

(f) No commitment will be made with respect to approving the sick leave until the situation has stabilized and can be fully assessed.

(g) Employees on previously approved annual leave may be directed to report for work if their presence is essential for maintenance of operations.

(h) Until the scope of the job action has been determined, employees requesting annual leave should be advised that a job action is in progress and their services are required. Essential services are defined in enclosure (2). Employees should be advised that their failure to remain at work or report for work, as the case may be, will result in their being placed in an absence-without-leave (AWOL) status.

(i) All of the above must be documented in writing. The record must include the date, time, and persons notified or spoken with, the nature of the request, and the supervisor's response. The record must be clear and complete in the event subsequent disciplinary action is taken.

4. Communications with the Community and Media. It is essential that the activity's position with respect to an illegal job action be placed before the public and questions from the media be answered properly and promptly. To accomplish this, press releases will be provided by the activity Public Affairs Officer/Executive Officer. Media requests for interviews with Navy officials will also be handled by the PAO/Executive Officer.

5. Communications with Unions not involved in the Job Action. The affected activity head will communicate with other labor organizations not involved in the job action (if any) and keep them apprised of the activity's intent to maintain operations. In the event employees are reassigned in an effort to continue operations, the unions which represent those employees will be made aware of those plans. Sometimes such unions will express a distaste for having their members do the work of striking employees. If this develops, the union officials will be advised that the job action is illegal and, therefore, their members would be performing legal and justified assignments.

6. Reports and Records. Supervisors and managers should document the following activities related to the job action in order to provide input to the activity head to assist the J-LOG in assessing the situation and in conducting the required job action investigation:

a. Which group(s) and how many employees are involved? How many employees have reported or indicated they are ready to report for work?

b. What are believed to be the causes or underlying factors which brought about the actions? What facts support these conclusions?

c. Which employees were particularly active in the job action? Did they encourage other employees to participate? How?

d. What are the names of the employees who were first involved in the action? What was their stated purpose, demand, or announced basis for their action?

e. Had the employees made known their differences, dissatisfactions, or demands earlier? To whom? What action was taken by management?

f. Were stewards or other labor organization officials present? If so, what did they say and to whom?

g. What actions, if any, were taken by managers prior to the job action concerning matters alleged to be the basis for the job action?

All records should clearly indicate times, dates, and names.

COMMUNICATION

1. Communication with employees:

a. If the striking employees are at the job site, each employee shall be read the following statement individually by the appropriate supervisor(s), which shall be witnessed by at least one other management official:

"You are hereby informed that your action constitutes a strike against the Federal Government, which is prohibited by law. As such, you have subjected yourself to penalties under the law. If you do not return to work immediately and resume your duties, you shall be placing yourself in an unauthorized absence and non-pay status."

The supervisor will keep a record of each employee, time so advised, and name of other management official(s) who observed. If the employee does not return to work, his/her timecard will be marked "AWOL" as of the time he or she was informed.

b. If only certain employees have stopped work and are encouraging others to join them, the "striking" employees shall be read the above. If the employees do not return to work, they shall be directed to leave, and failing that, shall be removed from the base by Security.

c. Should the job action start by employees not showing up for work, and employees were not informed of the nature of their action and the consequences of such, then each employee shall be called by his/her supervisor as soon as possible, and read the following statement:

"You are hereby informed that your action is considered to be a prohibited job action/strike against the Federal Government. On engaging in a prohibited job action, you are in violation of the law, subjecting yourself to penalties and have placed yourself in an unauthorized absence and non-pay status. The base is open and continuing operations, and you are directed to return to work immediately."

The supervisor shall keep a log of the time each call was made and the employee's response, if any.

d. If the job action takes the form of a sick-out or other concerted employee absence, the following actions will be taken:

(1) The supervisor will record the time of each call by an employee (or someone on behalf of the employee), the employee's request, and the supervisor's response.

(2) Employees shall be advised that due to other employees calling in for similar reasons; (a) they must specifically state the basis for their leave request (i.e., flu, car problem, death in family, etc.), (b) that a decision on leave approval has not been made, (c) that all leave will be monitored closely, and (d) a call-in within the time established by the union agreement, must be made for each day of absence. (See Article VIII, Section 12 - Multi-Unit Agreement.

(3) If the sick leave requested is repeated, employees shall be directed to submit a doctor's certificate upon returning to work.

(4) No commitment shall be made with respect to approving the leave until the situation has stabilized and can be assessed fully and concurrence obtained from the CAG.

e. A letter will be sent to all employees advising them of the law, what the Navy's position is as to job action, and what actions are being taken by local management.

f. Employees who remain on the job in areas affected by the job action will be advised through an information sheet, what special provisions have been made to allow them to continue working (i.e., on-base lodging, government furnished transportation, etc.) and their responsibility to continue working in spite of picket lines. Additionally, procedures for reporting problems encountered by non-strikers with those striking, shall be discussed.

SUPERVISORY DATA SHEET RECORDING
ILLEGAL JOB ACTION INFORMATION

To the extent possible, the following information should be recorded for each employee you supervise in the event of a strike or other work stoppage affecting your work area.

1. Name of Employee/Position _____

2. Is employee a labor organization official or representative?

If so, what is their Union position? _____

3. Briefly describe actions of employee during initial phases of work stoppage? (Did employee terminate work - encourage others to do so? At what time was this? Did employee obey order to return to work, if so, what time was it? What did you tell employees? When advised of illegal nature of action and ordered to return to work, what did employee say - do?)

4. Was employee prevented from reporting to or returning to work on one or more instances by conditions beyond their control?

If so, what were conditions or alleged conditions? (Specify date and time for each instance separately).

5. What statements, if any did employee make to you or fellow employees during work stoppage? (Specify date and time of each instance).

6. At what time did the employee leave work or fail to report for work as scheduled?

7. List and date other pertinent observations or statements you made to employee in connection with the work stoppage.

8. What action have you taken on any issues being offered by the employees as the basis for the job action?

9. What other supervisors or employees were witnesses to statements or actions of this employee?

10. What have you been told by the employee as to the reason for the job action?

(Signature of supervisor and title of his/her position)

(Dates covered by above date)

(Date this form was completed)

SUPERVISOR DATA SHEET FOR RECORDING
SICK LEAVE REQUESTS DURING A SICKOUT

NOTE TO SUPERVISOR

1. This form should be completed for each employee requesting sick leave during a period in which employees are suspected of engaging in a sickout.

2. Following receipt of a request for sick leave advise the employee:

(a) That due to suspected abuse of the sick leave privilege, requests for sick are being followed closely and that no commitment will be made at this time with respect to approving the sick leave until the situation has stabilized and can be fully assessed.

(b) That if they are still unable to report for work on the next scheduled workday, they are to call you personally (not a fellow employee) or a higher-level supervisory official.

3. Upon receipt of telephone call on second day of absence, advise employee that they must bring a doctor's certificate upon returning to work.

Employee's
Name

Position/Job

Title

<u>Date</u>	<u>Time of Supervisor's Call</u>	<u>Name of Supervisor Receiving Call</u>	<u>Summary of Response to Request</u>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

REMEMBER

1. DO NOT APPROVE LEAVE REQUEST!
2. SPECIFICALLY, INSTRUCT EMPLOYEE TO REPORT NEED FOR FURTHER LEAVE TO YOU ON A DAILY BASIS.